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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/955,315	09/19/2001	Brigitte Bathe	32301WD227

CONFIRMATION NO. 8177

FORMALITIES LETTER



OC00000006932812

SMITH, GAMBRELL & RUSSELL, LLP
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Date Mailed: 10/18/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

12/10/2001 HVLWNG1 00000071 09955315

FILED UNDER 37 CFR 1.53(b)

01 FC:101	740.00 OP
02 FC:105	130.00 OP
03 FC:103	162.00 OP
04 FC:102	84.00 OP

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 710 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$242.
 - \$162 for 9 total claims over 20.
 - \$80 for 1 independent claims over 3.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity; must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1082.
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the

sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

PATENT

Attorney Docket No.: 032301WD227

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Brigitte BATHE, *et al.*)
Serial No.: 09/955,315) Group Art Unit: 1642
Filed: September 19, 2001) Examiner: Unassigned
For: NUCLEOTIDE SEQUENCES WHICH CODE FOR THE *dps* GENE

**RESPONSE TO NOTICE TO FILE MISSING PARTS
OF NONPROVISIONAL APPLICATION**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Notice To File Missing Parts of NonProvisional Application mailed October 18, 2001, (copy attached) for the above-identified application, attached is:

- 1) Executed Declaration;
- 2) Assignment Recordation Cover Sheet and Executed Assignment;
- 3) Sequence Listing Submission Statement;
- 4) Sequence Listing with computer-readable disk;
- 5) Preliminary Amendment; and
- 6) Check for \$1,156.00 to cover the filing fee (\$740), recordation fee (\$40), surcharge (\$130) and extra claims (\$246).

If any additional fees are required in connection with this filing, the Commissioner is authorized to charge any fees to Deposit Account No. 02-4300.

Respectfully submitted,

SMITH, GAMBRELL & RUSSELL, LLP

By:

 45,338

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Date: December 7, 2001

